# THE HYDERABAD SPECIAL TRIBUNALS (TERMINATION) AND SPECIAL JUDGES (APPOINTMENT) REGULATION, 1359 F.
No. X of 1359 F.

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## *THE HYDERABAD SPECIAL TRIBUNALS (TERMINATION) AND SPECIAL JUDGES (APPOINTMENT) REGULATION, 1359 Fasli.

No. X of 1359 Fasli.

Whereas it is expedient to provide for the termination of all save one of the Special Tribunals constituted under the Special Tribunals Regulation (No. V of 1358 F.) and consequentially upon such termination to provide for the appointment, power and procedure of Special Judges;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in this behalf, I hereby make the following Regulation :—

Short title and commencement.

1. (1) This Regulation may be called the Hyderabad Special Tribunals (Termination) and Special Judges (Appointment) Regulation, 1359 F.

(2) It shall come into force from the date of its publication in the Jarida.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context—

(*a*) "Code" means the Hyderabad Code of Criminal Procedure;

(*b*) "Said Regulation" means the Special Tribunals Regulation (No. V of 1358 F.) as in force immediately before the commencement of this Regulation;

(*c*) "Special Judge" means a Special Judge appointed under section 4;

(*d*) "Special Tribunal" means a Special Tribunal constituted under section 2 of the said Regulation and the "Fourth Special Tribunal" means the Tribunal so constituted by the order of the Military Governor published with the notification of the Home Department No. 53 dated the 26th Amardad, 1358 F. (26th June, 1949).

Termination of Special Tribunals.

3. (1) On the commencement of this Regulation the power to constitute Special Tribunals conferred by section 2 of the said Regulation shall, save for the purpose of altering the composition of the Fourth Special Tribunal, cease to be exercisable.

(2) On the 16th day of December, 1949 every Special Tribunal, except the Fourth Special Tribunal, shall be deemed to have been dissolved.

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*Published in the Extraordinary Jarida No. 17, dated 13th Bahman, 1359 Fasli.

(3) Save as expressly provided in this Regulation nothing contained therein shall affect the continued operation of the said Regulation in relation to the Fourth Special Tribunal or in relation to anything done by any other Special Tribunal before the date on which it was deemed to be dissolved.

Appointment of Special Judges.

4. The Chief Minister shall, after consulting the High Court appoint so many Special Judges as may from time to time be required for the Purposes of section 5.

Offences to be tried by Special Judges.

5. (1) Every Special Judge shall try—

(*a*) such offences of which the trial was immediately before the 15th December, 1949 pending before a Special Tribunal deemed under sub-section (2) of section 3 to have been dissolved on that date as are made over to him for trial by the Chief Minister or by a person authorised by the Chief Minister in this behalf.

(*b*) such offences as are after the commencement of this Regulation made over to him for trial by the Chief Minister or by a person authorised by the Chief Minister in this behalf.

(2) The Chief Minister or a person authorised by him in this behalf may transfer any case from one Special Judge to another Special Judge or from a Special Judge to a court constituted under the Code or from such court to a Special Judge.

Procedure of Special Judges.

6 *[(1)] A Special Judge may take cognizance of offences without the accused being committed to him for trial, and in the trial of every offences, of which he so takes cognizance, shall follow the procedure prescribed in the Code for the trial of warrant cases by Magistrate.

*[(2) In respect of any trial held before a Special Judge—

(*i*) the Special Judge may direct that the proceedings shall be in the English language ;

(*ii*) the judgment may be written in the English language.]

Powers of Special Judges.

7. Subject to the provisions of sections 4 and 5, a Special Judge shall have all the powers conferred by the Code on a court of Session exercising original jurisdiction and in particular may pass any sentence authorised by the law.

Section 7 of the said Regulation to apply.

8. All the provisions of section 7 of the said Regulation shall have effect in relation to sentences passed by a Special Judge as if every reference in the said Regulation to a Special Tribunal included a reference to a Special Judge.

Appeals from order of acquittal.

9. Notwithstanding anything contained in section 7 of the said Regulation or in section 8 of this Regulation the provisions of the Code and of the Hyderabad Limitation Act

* As amended by Act No. XX of 1950, published in the Extraordinary Jarida No. 58 dated 6th June, 1950.

in relation to appeals from an order of acquittal passed by any court other than the High Court shall apply in relation to appeals from an order of acquittal passed—

(1) by a Special Tribunal whether before or after the commencement of this Regulation;

(2) by a Special Judge.

Application of Code.

10. Subject to the provisions of this Regulation, the Code shall apply in respect of and in relation to proceedings before a Special Judge and, subject as aforesaid, a Special Judge shall be deemed to be subordinate to the High Court.